

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Beatrice E. Weaver and Gary) Civil Action No.: 4:14-cv-2698-RBH
Weaver,)
)
Plaintiffs,) **ORDER**
)
v.)
)
Dillon Department of Social)
Services; Jackie Rowland; Karen)
English; Pansy Page McElveen;)
Dillon Internal Medicine Associates,)
P.A.; James P. Wallace, M.D.;)
Felicia Gainey; Harriet Shealey;)
Cottonwood Villa Assisted Living)
Facility, Inc.; Dillon County)
Sheriff's Office; Deputy Johnnie)
May Smith; Deputy Chaddie Hayes;)
Deputy Linda Maimquist; Dillon)
County Emergency Medical)
Services; Florence Visiting Nurses)
Services, Inc.; John D. McInnis;)
John Does 1–10; and Doe)
Partnerships, Corporations, and/or)
other Entities 1–10,)
)
Defendants.)
_____)

Plaintiffs Beatrice E. Weaver and Gary Weaver (“Plaintiffs”), proceeding *pro se*, filed their complaint against the above named Defendants in the Dillon County Court of Common Pleas on February 21, 2014. *See* Compl., ECF Nos. 1-1, 1-2. The matter was removed to this Court on July 2, 2014. *See* Notice of Removal, ECF No. 1. The matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 94. In the Report and Recommendation, the Magistrate Judge

recommends that the Court dismiss this action *without prejudice* for failure to prosecute. *See id.* at 5.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that this action is **DISMISSED** *without prejudice* for failure to prosecute and comply with a court order pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

Florence, South Carolina
January 14, 2015